

105TH CONGRESS
2D SESSION

H. R. 3445

To establish the Commission on Ocean Policy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1998

Mr. SAXTON (for himself, Mr. GILCREST, and Mr. BILBRAY) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Commission on Ocean Policy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oceans Act of 1998”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds that the understanding, use, and
7 protection of ocean and coastal resources and the marine
8 environment are critical to the economy, national security,
9 and environmental quality of the United States.

10 **SEC. 3. DEFINITIONS.**

11 As used in this Act:

1 (1) The term “Commission” means the Com-
2 mission on Ocean Policy.

3 (2) The term “marine environment” includes—

4 (A) the oceans, including coastal and off-
5 shore waters and the adjacent shore lands;

6 (B) the continental shelf; and

7 (C) the Great Lakes.

8 (3) The term “ocean and coastal activities” in-
9 cludes activities consisting of, affecting, or otherwise
10 related to oceanography, fisheries, or the manage-
11 ment or use of any ocean and coastal resource.

12 (4) The term “ocean and coastal resource”
13 means any living or nonliving natural, historic, or
14 cultural resource found in the marine environment.

15 (5) The term “oceanography” means scientific
16 exploration, including marine scientific research, en-
17 gineering, mapping, surveying, monitoring, assess-
18 ment, and information management of the oceans,
19 coasts, and Great Lakes.

20 **SEC. 4. EXECUTIVE RESPONSIBILITIES.**

21 (a) NATIONAL OCEAN AND COASTAL POLICY.—

22 (1) IN GENERAL.—The President, after receiv-
23 ing the report of the Commission under section 5,
24 shall develop and maintain a coordinated, com-
25 prehensive, and long-range national policy with re-

1 spect to ocean and coastal activities, including a
2 plan to meet the infrastructure requirements of Fed-
3 eral ocean and coastal programs.

4 (2) CONTENT AND OBJECTIVES.—The policy
5 shall take into account the findings and rec-
6 ommendations contained in the report of the Com-
7 mission under section 5, and shall be designed to
8 achieve the following objectives:

9 (A) The expansion of human knowledge of
10 the marine environment and ocean and coastal
11 resources.

12 (B) The responsible and economically ben-
13 efitial use and stewardship of ocean and coastal
14 resources.

15 (C) The protection of ocean and coastal re-
16 sources and the marine environment and the
17 prevention of marine pollution.

18 (D) The protection of life and property
19 against natural and manmade hazards.

20 (E) The development and improvement of
21 technologies for use in ocean and coastal activi-
22 ties.

23 (F) Consistency and cooperation between
24 Federal departments and agencies and State

1 and local governments involved in ocean and
2 coastal activities.

3 (G) The preservation of the role of the
4 United States as a leader in ocean and coastal
5 activities, and, when it is in the national inter-
6 est, the cooperation by the United States with
7 other nations and international organizations in
8 ocean and coastal activities.

9 (b) BUDGET COORDINATION.—

10 (1) BIENNIAL REPORT.—Beginning in January
11 1999, the President shall transmit to the Congress
12 biennially a report on the relationship between Fed-
13 eral programs and the achievement of the objectives
14 set forth in subsection (a)(2). The report shall in-
15 clude the following:

16 (A) A detailed listing of all existing Fed-
17 eral programs relating to ocean and coastal ac-
18 tivities, including a description of each pro-
19 gram, the current funding for the program, and
20 a projection of the funding level for the pro-
21 gram for each of the following 5 fiscal years.

22 (B) An evaluation of whether or not each
23 of those programs is contributing to the
24 achievement of the objectives set forth in sub-
25 section (a)(2).

1 (2) BUDGET COORDINATION.—Each agency or
2 department involved in ocean and coastal activities
3 shall include with its annual request for appropria-
4 tions a report that—

5 (A) identifies significant elements of the
6 proposed agency or department budget relating
7 to ocean and coastal activities; and

8 (B) specifies how each such element con-
9 tributes to the implementation of the national
10 ocean and coastal policy maintained under sub-
11 section (a).

12 (c) COOPERATION AND CONSULTATION.—In carrying
13 out responsibilities under this Act, the President may use
14 such staff, interagency, and advisory arrangements as the
15 President finds necessary and appropriate and shall con-
16 sult with non-Federal organizations and individuals in-
17 volved in ocean and coastal activities.

18 **SEC. 5. COMMISSION ON OCEAN POLICY.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—The President shall, within
21 90 days after the date of the enactment of this Act,
22 establish a Commission on Ocean Policy. The Com-
23 mission shall be composed of 16 members who are
24 knowledgeable in ocean and coastal activities, includ-
25 ing individuals drawn from State and local govern-

1 ments, industry, academic and technical institutions,
2 and public interest organizations involved with ocean
3 and coastal activities. Members shall be appointed
4 for the life of the Commission as follows:

5 (A) 4 shall be appointed by the President
6 of the United States.

7 (B) 4 shall be appointed by the President
8 chosen from a list of 8 proposed members sub-
9 mitted by the Majority Leader of the Senate in
10 consultation with the Chairman of the Senate
11 Committee on Commerce, Science, and Trans-
12 portation.

13 (C) 4 shall be appointed by the President
14 chosen from a list of 8 proposed members sub-
15 mitted by the Speaker of the House of Rep-
16 resentatives in consultation with the Chairman
17 of each of the Committee on Resources, the
18 Committee on Science, and the Committee on
19 Transportation and Infrastructure of the House
20 of Representatives.

21 (D) 2 shall be appointed by the President
22 chosen from a list of 4 proposed members sub-
23 mitted by the Minority Leader of the Senate in
24 consultation with the Ranking Member of the

1 Senate Committee on Commerce, Science, and
2 Transportation.

3 (E) 2 shall be appointed by the President
4 chosen from a list of 4 proposed members sub-
5 mitted by the Minority Leader of the House of
6 Representatives in consultation with the Rank-
7 ing Member of each of the Committee on Re-
8 sources, the Committee on Science, and the
9 Committee on Transportation and Infrastruc-
10 ture of the House of Representatives.

11 (2) FIRST MEETING.—The Commission shall
12 hold its first meeting within 30 days after it is es-
13 tablished.

14 (3) CHAIRMAN.—The Commission shall elect
15 one of its members as Chairman.

16 (4) ADVISORY MEMBERS.—(A) In addition to
17 the members of the Commission appointed under
18 paragraph (1), the Commission shall have advisory
19 members who are Members of Congress. Of the advi-
20 sory members—

21 (i) one shall be appointed by the Speaker
22 of the House of Representatives;

23 (ii) one shall be appointed by the Minority
24 Leader of the House of Representatives;

1 (iii) one shall be appointed by the Majority
2 Leader of the Senate; and

3 (iv) one shall be appointed by the Minority
4 Leader of the Senate.

5 (B) The advisory members shall not par-
6 ticipate, except in an advisory capacity, in the
7 formulation of the findings and recommenda-
8 tions of the Commission.

9 (b) REPORT.—The Commission shall submit to the
10 President and the Congress, by not later than 18 months
11 after the date of the establishment of the Commission, a
12 final report of its findings and recommendations. The re-
13 port shall include the following:

14 (1) Recommendations for a national ocean and
15 coastal policy to achieve the objectives set forth in
16 section 4(a)(2).

17 (2) Recommendations for any modifications to
18 United States laws and regulations necessary to de-
19 fine and implement such policy.

20 (3) An assessment of the condition and ade-
21 quacy of existing and planned facilities associated
22 with ocean and coastal activities, including human
23 resources, vessels, computers, satellites, and other
24 appropriate platforms and technologies, and rec-

1 ommendations for investments and improvements in
2 facilities necessary to carry out such policy.

3 (4) A review of existing and planned ocean and
4 coastal activities of Federal entities, and rec-
5 ommendations for changes in such activities nec-
6 essary to reduce duplication of Federal efforts and
7 achieve the objectives set forth in section 4(a)(2).

8 (5) A review of the cumulative effect of Federal
9 laws and regulations on achievement of the objec-
10 tives set forth in section 4(a)(2), an examination of
11 those laws and regulations for inconsistencies and
12 contradictions that might adversely affect achieve-
13 ment of those objectives, and recommendations for
14 resolving any such inconsistencies. In particular, this
15 portion of the report shall include an examination of
16 the relationship between the fisheries development
17 and fisheries conservation responsibilities of the Na-
18 tional Marine Fisheries Service.

19 (6) A review of the known and anticipated sup-
20 ply of and demand for ocean and coastal resources
21 of the United States.

22 (7) A review of the relationship between Fed-
23 eral, State, and local governments and the private
24 sector in planning and carrying out ocean and coast-

1 al activities, and recommendations for the most ap-
2 propriate division of responsibility for such activities.

3 (8) A review of opportunities for the develop-
4 ment of or investment in new products, technologies,
5 or markets that could contribute to achievement of
6 the objectives set forth in section 4(a)(2).

7 (9) Any other matters relating to the marine
8 environment, ocean and coastal resources, or ocean
9 and coastal activities that the Commission considers
10 appropriate.

11 (c) DUTIES OF CHAIRMAN.—In carrying out the pro-
12 visions of this section, the Chairman of the Commission
13 shall be responsible for—

14 (1) the assignment of duties and responsibilities
15 among staff personnel and their continuing super-
16 vision; and

17 (2) the use and expenditures of funds available
18 to the Commission.

19 (d) COMPENSATION.—Members of the Commission
20 appointed from outside the Government shall, when en-
21 gaged in the actual performance of duties of the Commis-
22 sion, receive reimbursement of travel expenses, including
23 per diem in lieu of subsistence as authorized for persons
24 employed intermittently in the Government service under
25 section 3109 of title 5, United States Code. Members of

1 the Commission appointed from within the Government
2 shall serve without additional compensation to that re-
3 ceived for their services to the Government, but shall be
4 reimbursed for travel expenses, including per diem in lieu
5 of subsistence.

6 (e) STAFF.—

7 (1) EXECUTIVE DIRECTOR.—The Chairman of
8 the Commission may, without regard to the civil
9 service laws and regulations, appoint and terminate
10 an executive director who is knowledgeable in admin-
11 istrative management and ocean and coastal policy
12 and such other additional personnel as may be nec-
13 essary to enable the Commission to perform its du-
14 ties.

15 (2) COMPENSATION.—The executive director
16 shall be compensated at a rate not to exceed the rate
17 payable for Level V of the Executive Schedule under
18 section 5316 of title 5, United States Code. The
19 Chairman may fix the compensation of other person-
20 nel without regard to the provisions of chapter 51
21 and subchapter III of chapter 53 of title 5, United
22 States Code, relating to classification of positions
23 and General Schedule pay rates, except that the rate
24 of pay for such personnel may not exceed the rate

1 payable for GS–15, step 7, of the General Schedule
2 under section 5332 of such title.

3 (3) DETAILEES.—Upon a request of the Chair-
4 man of the Commission made after consulting with
5 the head of the Federal agency concerned, the head
6 of any Federal agency shall detail appropriate per-
7 sonnel of the agency to the Commission to assist the
8 Commission in carrying out its functions under this
9 Act. Federal Government employees detailed to the
10 Commission shall serve without reimbursement from
11 the Commission, and such detailee shall retain the
12 rights, status, and privileges of his or her regular
13 employment without interruption.

14 (4) VOLUNTEERS.—The Commission may ac-
15 cept and use the services of volunteers serving with-
16 out compensation, and may reimburse volunteers for
17 travel expenses, including per diem in lieu of subsist-
18 ence, as authorized by section 5703 of title 5,
19 United States Code. Except for the purposes of
20 chapter 81 of title 5, United States Code, relating
21 to compensation for work injuries, and chapter 171
22 of title 28, United States Code, relating to tort
23 claims, a volunteer under this section may not be
24 considered to be an employee of the United States
25 for any purpose.

1 (5) EXPERTS AND CONSULTANTS.—To the ex-
2 tent that funds are available, and subject to such
3 rules as may be prescribed by the Commission, the
4 executive director of the Commission may procure
5 the temporary and intermittent services of experts
6 and consultants in accordance with section 3109 of
7 title 5, United States Code, but at rates not to ex-
8 ceed the daily rate payable for GS–15, step 7, of the
9 General Schedule under section 5332 of title 5,
10 United States Code.

11 (f) ADMINISTRATION.—

12 (1) MEETINGS.—All meetings of the Commis-
13 sion shall be open to the public, except that a meet-
14 ing or any portion of it may be closed to the public
15 if it concerns matters or information described in
16 section 552b(c) of title 5, United States Code. Inter-
17 ested persons shall be permitted to appear at open
18 meetings and present oral or written statements on
19 the subject matter of the meeting. The Commission
20 may administer oaths or affirmations to any person
21 appearing before it.

22 (2) NOTICE OF MEETINGS.—All open meetings
23 of the Commission shall be preceded by timely public
24 notice in the Federal Register of the time, place, and
25 subject of the meeting.

1 (3) MINUTES AND OTHER RECORDS.—Minutes
2 of each meeting shall be kept and shall contain a
3 record of the people present, a description of the dis-
4 cussion that occurred, and copies of all statements
5 filed. Subject to section 552 of title 5, United States
6 Code, the minutes and records of all meetings and
7 other documents that were made available to or pre-
8 pared for the Commission shall be available for pub-
9 lic inspection and copying at a single location in the
10 offices of the Commission.

11 (4) RELATIONSHIP TO OTHER LAW.—The Fed-
12 eral Advisory Committee Act (5 U.S.C. App.) does
13 not apply to the Commission.

14 (g) COOPERATION WITH OTHER FEDERAL ENTI-
15 TIES.—

16 (1) OTHER FEDERAL AGENCIES AND DEPART-
17 MENTS.—The Commission may secure directly from
18 any Federal agency or department any information
19 it considers necessary to carry out its functions
20 under this Act. Each such agency or department
21 may cooperate with the Commission and, to the ex-
22 tent permitted by law, to furnish such information
23 to the Commission, upon the request of the Chair-
24 man of the Commission.

1 (2) **MAILS.**—The Commission may use the
2 United States mails in the same manner and under
3 the same conditions as other departments and agen-
4 cies of the United States.

5 (3) **ADMINISTRATIVE SUPPORT SERVICES.**—The
6 Administrator of General Services shall provide to
7 the Commission on a reimbursable basis any admin-
8 istrative support services that the Commission re-
9 quests.

10 (4) **ACQUISITIONS.**—The Commission may
11 enter into contracts with Federal and State agen-
12 cies, private firms, institutions, and individuals to
13 assist the Commission in carrying out its duties. The
14 Commission may purchase and contract without re-
15 gard to sections 303 of the Federal Property and
16 Administrative Services Act of 1949 (41 U.S.C.
17 253), section 18 of the Office of Federal Procure-
18 ment Policy Act (41 U.S.C. 416), and section 8 of
19 the Small Business Act (15 U.S.C. 637), pertaining
20 to competition and publication requirements, and
21 may arrange for printing without regard to the pro-
22 visions of title 44, United States Code. The contract-
23 ing authority of the Commission under this Act is
24 effective only to the extent that appropriations are
25 available for contracting purposes.

1 (h) TERMINATION.—The Commission shall cease to
2 exist 30 days after the date on which it submits its final
3 report.

4 (i) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to support the activities
6 of the Commission a total of \$1,000,000 for fiscal year
7 1998, \$2,000,000 for fiscal year 1999, and \$1,000,000
8 for fiscal year 2000. Any sums appropriated may remain
9 available without fiscal year limitation until the Commis-
10 sion ceases to exist.

11 **SEC. 6. REPEAL.**

12 The Act entitled “An Act to provide for a comprehen-
13 sive, long-range, and coordinated national program in ma-
14 rine science, to establish a National Council on Marine
15 Resources and Engineering Development, and a Commis-
16 sion on Marine Science, Engineering, and Resources, and
17 for other purposes” (Public Law 89–454; 80 Stat. 203)
18 is amended—

19 (1) by striking sections 1 through 9 (33 U.S.C.
20 1101–1108); and

21 (2) by striking the heading for title I.

○